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TAGS: ICNAF, EFIS

SUBJECT: SUMMARY OF ICNAF ANNUAL MEETING RESULTS
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1. SUMMARY. THE ICNAF ANNUAL MEETING IN MONTREAL WAS
INCONCLUSIVE IN TERMS OF THE BROADER U.S. OBJECTIVE OF
PRESERVING THE EXISTING ICNAF FRAMEWORK FOR A 1977
TRANSITIONAL YEAR. IT REACHED AGREEMENT ON MANY FISHERIES

QUOTAS AND ALLOCATIONS WHICH SEEMED TO DEMONSTRATE A PRACTICAL ACCEPTANCE OF COASTAL STATE JURISDICTION OVER FISHERIES OUT TO 200 MILES, BUT POSTPONED DECISIONS ON SEVERAL IMPORTANT FISH STOCKS TO A SPECIAL MEETING IN EARLY DECEMBER. BOTH THE U.S. AND CANADA ANNOUNCED THEIR INTENTION TO WITHDRAW FROM ICNAF AT THE END OF 1976 UNLESS THE RESULTS OF THE ANNUAL MEETING AND THE DECEMBER SPECIAL MEETING ARE SATISFACTORY TO THE COASTAL STATES. IN TERMS OF WHAT WAS DECIDED IN MONTREAL, THE PROSPECTS FOR SATISFACTORY AGREEMENT IN DECEMBER APPEAR FAVORABLE, BUT THIS ASSESSMENT IS RISKY. THE CENTRAL ISSUES--DRAMATIC REDUCTIONS IN CERTAIN QUOTAS FOR THE SOVIET UNION AND OTHERS, ENFORCEMENT, AND THE REQUIREMENT FOR PERMITS--WERE POSTPONED. END SUMMARY.

BACKGROUND. THE JUNE ANNUAL MEETING OF ICNAF WAS SET AGAINST A BACKGROUND OF MAJOR IMPENDING CHANGE IN THE WORLDWIDE STRUCTURE OF INTERNATIONAL FISHERIES MANAGEMENT AND LAW OF THE SEA. BOTH CANADA AND THE UNITED STATES HAVE PASSED LEGISLATION TO IMPLEMENT A 200-MILE FISHERIES CONSERVATION ZONE WITHOUT BENEFIT OF BROAD INTERNATIONAL AGREEMENT IN A COMPREHENSIVE LAW OF THE SEA TREATY. IN BOTH COUNTRIES THE POTENTIAL OUTCOME OF THE ICNAF MEETING WAS VIEWED AS THE FIRST MAJOR TEST OF THE WILL OF THE COASTAL STATES TO ENFORCE THEIR CLAIMED RIGHTS TO EXCLUSIVE MANAGEMENT AUTHORITY OVER FISHERIES IN THE ZONE.

IN THE U.S. THE SENSE OF THE CONGRESS, EXPRESSED IN P.L. 94-265, THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976, AND THE DECLARED POSITION OF THE NEW ENGLAND FISHING INDUSTRY, WAS, AND IS, THAT THE U.S. SHOULD WITHDRAW FROM ICNAF AND FULLY IMPLEMENT THE MANAGEMENT SYSTEM IN THE ACT BY MARCH 1, 1977.

WE APPROACHED THE ANNUAL MEETING WITH THE HOPE THAT THE
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SUBSTANCE OF THE ACT COULD BE SUFFICIENTLY ACHIEVED THROUGH THE ICNAF FRAMEWORK TO PERMIT USING ICNAF AS A TRANSITIONAL ARRANGEMENT FOR 1977, ALLOWING THE U.S. TO BRING THE ACT INTO FULL IMPLEMENTATION IN A STEP-BY-STEP MANNER THROUGH NEGOTIATED ACCEPTANCE OF ITS TERMS IN BILATERAL AGREEMENTS.

CONCURRENTLY, WE SOUGHT TO BEGIN THE STEPS LEADING TO A RENEGOTIATION OF THE ICNAF TREATY WHICH WOULD CHANGE THAT ORGANIZATION INTO A SCIENTIFIC CONSULTATIVE BODY FOR THE AREA WITHIN COASTAL STATE JURISDICTION, RETAINING ITS GOOD FEATURES OF INTERNATIONAL COOPERATION BUT RESERVING DECISION MAKING AUTHORITY TO THE COASTAL STATES.

THE MOOD OF THE MEETING. THE DELEGATES FROM DISTANT WATER FISHING NATIONS WERE GENERALLY RELUCTANT TO ADDRESS QUESTIONS OF PRINCIPLE. MANY CLEARLY HOPED IT WOULD BE POSSIBLE TO DEFER SUCH QUESTIONS AS LEAST UNTIL AFTER THIS SUMMER'S SESSION OF THE LAW OF THE SEA CONFERENCE. THEY WERE, HOWEVER, GENERALLY WILLING TO SEEK AND ACCEPT PRACTICAL SOLUTIONS WHICH WOULD BE SATISFACTORY TO THE COASTAL STATES WHILE RESERVING THE PRINCIPLES.

EUROPEAN COMMUNITY NATIONS ALL PREFACED THEIR REMARKS BY NOTING THAT THE COMMUNITY CURRENTLY HAS ITS OWN POSITION ON EXTENDED COASTAL STATE JURISDICTION UNDER CONSIDERATION. (BASED ON INFORMAL CONVERSATIONS WITH EC MEMBER DELEGATES, WE EXPECT THE EC TO ANNOUNCE A DECISION EXTENDING THEIR FISHERIES JURISDICTION BEFORE THE END OF 1976).

MOST DELEGATIONS, WHILE REALIZING THAT THE OLD ICNAF ORGANIZATION MUST GO, CLEARLY WANTED TO INSURE SOME FORM OF MULTILATERAL CONSULTATION IN THE FUTURE TO PRESERVE A VOICE IN THE COASTAL STATE DECISION MAKING PROCESS.

WHILE MANY DELEGATIONS CONSIDERED THE U.S. POSITION AND PERFORMANCE AT THE MEETING TO BE PARTICULARLY HARD-LINED, THOSE WHO UNDERSTAND THE NEW U.S. LAW APPRECIATED OUR EFFORTS TO FIND AN ACCOMMODATION WITHIN THE FRAME-CONFIDENTIAL

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WORK OF THE LAW WHICH WOULD AT LEAST EASE THE TRANSITIONAL PERIOD.

COUNTRY STRATEGIES. ALTHOUGH THE U.S. AND CANADA ARE HEADED IN THE SAME GENERAL DIRECTION AS COASTAL STATES, WE ARE DEALING FROM A DIFFERENT DOMESTIC LEGAL BASIS. CANADA HAS CONSIDERABLY MORE FLEXIBILITY, ESPECIALLY IN TIMING, AND TOOK A SOFTER APPROACH. CANADA FEELS IT CANNOT UNILATERALLY IMPOSE ITS EXTENDED JURISDICTION ON THE DISTANT WATER COUNTRIES, BUT MUST ACHIEVE IT BY

AGREEMENT. CANADA'S BASIC STRATEGY IS A BILATERAL APPROACH, WITH A GOAL FOR FULL IMPLEMENTATION OF JANUARY 1, 1978, USING ICNAF AS A TRANSITIONAL ARRANGEMENT FOR 1977.

THE SOVIET UNION PURSUED A STRATEGY THE OBJECTIVE OF WHICH WAS NOT CLEAR. IT SEEMED QUITE HELPFUL AND SUPPORTIVE OF THE UNITED STATES AND CANADA WHEN THE ISSUES WERE NOT OF IMMEDIATE INTEREST OR SIGNIFICANCE TO THE USSR. YET, IT WAS THE SOVIETS WHO TOOK THE MOST OUTLANDISH STAND ON MACKEREL AND FORCED THE POSTPONEMENT OF DECISIONS ON MACKEREL AND SEVERAL OTHER STOCKS UNTIL DECEMBER. THEY MAY SIMPLY BE PLAYING FOR TIME--

UNTIL AFTER THE SUMMER LOS SESSION AND UNTIL AFTER OUR
BILATERAL FISHERIES TALKS IN LATE JULY. AS THE NATION

WITH THE LARGEST FISHERY OFF OUR EAST COAST THEY MAY SEE
DELAY AS BRINGING GREATER PRESSURE ON THE U.S. TO REACH
AGREEMENT MORE FAVORABLE TO THE USSR AS WE APPROACH THE
MARCH 1, 1977 IMPLEMENTATION DATE OF OUR EXTENDED JURIS-
DICTION.

JAPAN, AND TO A CERTAIN EXTENT THE FEDERAL REPUBLIC OF
GERMANY, CONTINUED TO INSIST THAT THEY COULD DO NOTHING
WHICH WOULD RECOGNIZE THE UNILATERAL EXTENSION OF
FISHERIES JURISDICTION. WE WILL HAVE GREAT DIFFICULTY
WITH THE JAPANESE IN THE COMING MONTHS. THEY WILL LIKELY
RAISE THE FISHERIES ISSUES TO THE HIGHEST LEVELS

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BETWEEN OUR TWO GOVERNMENTS.

THE LOSERS. WHILE ALL OF THE DISTANT WATER STATES
TOOK REDUCTIONS IN QUOTAS FOR 1977, SPAIN AND ITALY WERE
THE BIG LOSERS. BOTH WERE MOST UNHAPPY AND ARE FACED
WITH RAPIDLY DECLINING NUMBERS OF PLACES TO FISH AROUND
THE WORLD. BOTH HAVE OVER-CAPITALIZED FLEETS AND HIGH
FISHERIES UNEMPLOYMENT. WE ARE COMMITTED TO BILATERAL
TALKS WITH SPAIN IN LATE SEPTEMBER. ITALY WILL BE
PRESSING FOR TALKS SOON. BOTH WILL EMPHASIZE THE
SPECIAL RELATIONSHIP BETWEEN OUR COUNTRIES AND THE
PROTEIN NEEDS OF THEIR PEOPLE. BOTH ARE IN TOUGH
SITUATIONS AND THERE WILL BE LITTLE WE CAN DO TO HELP.

MEETING RESULTS. THE COMMISSION TOOK DECISIONS, SUBJECT
TO THE APPROVAL OF GOVERNMENTS, ON MOST OF THE QUOTAS AND
ALLOCATION FOR 1977, BUT POSTPONED MACKEREL, HERRTNG OFF
THE U.S. COAST, AND A FEW OTHERS UNTIL A SPECIAL MEETING
OF THE COMMISSION DECEMBER 1-9, 1976. COUPLED WITH THE
POSTPONEMENT WERE A CALL FOR A SPECIAL SUBMISSION OF
ADDITIONAL SCIENTIFIC DATA ON WHICH DECISIONS COULD BE
BASED AT THE SPECIAL MEETING, AND A RESOLUTION THAT
DECEMBER DECISIONS WOULD BECOME EFFECTIVE JANUARY 1, 1977
WITHOUT THE USUAL SIX MONTHS PERIOD FOR APPROVAL BY
GOVERNMENTS.

THE QUOTA DECISIONS WHICH WERE TAKEN IN MONTREAL WERE
ALL IN CONSONANCE WITH THE U.S. POSITION, INCLUDING THE
SETTING OF TOTAL ALLOWABLE CATCHES AND RESERVATION TO
COASTAL STATES OF THEIR HARVESTING CAPACITY. THE
QUOTA DECISIONS WHICH WERE POSTPONED REPRESENTED SUB-
STANTIAL DISAGREEMENT BETWEEN THE COASTAL STATES AND THE
DISTANT WATER STATES.

ON ENFORCEMENT ISSUES, THE COMMISSION ACCEPTED A RESOLUTION, DELINEATING THE U.S. POSITION ON ENFORCEMENT WITHIN THE LIMITS OF COASTAL STATE JURISDICTION, FOR REFERRAL TO GOVERNMENTS, BUT WITHOUT A COMMITMENT TO RECOGNIZE ANY EXTENDED JURISDICTION. THE COMMISSION AGREED TO ESTABLISH A WORKING GROUP ON CONFIDENTIAL

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THE FUTURE OF THE COMMISSION WHICH WOULD MEET IN SEPTEMBER TO DRAFT SUGGESTED APPROACHES TO A RENEGOTIATION OR REPLACEMENT OF THE ICNAF CONVENTION.

CONCLUSIONS AND NEXT STEPS. THE U.S. WENT TO THE MONTREAL MEETING WITH THREE BASIC OBJECTIVES: (1) ACHIEVEMENT OF QUOTAS AND ALLOCATIONS CONSISTENT WITH OUR BEST SCIENTIFIC EVIDENCE AND COASTAL STATE NEEDS,

(2) ACHIEVEMENT OF THE NECESSARY ENFORCEMENT TOOLS, INCLUDING ACCEPTANCE OF REGISTRATION PERMITS, AND (3) ACHIEVEMENT OF AGREEMENT TO RENEGOTIATE OR REPLACE THE ICNAF CONVENTION AT LEAST BY 1978. IMPLICIT IN THESE OBJECTIVES WAS THE GOAL OF RETAINING THE ICNAF FRAMEWORK FOR THE TRANSITIONAL YEAR OF 1977 WHILE WORKING TOWARDS THE FULL IMPLEMENTATION OF THE U.S. 200-MILE FISHERIES CONSERVATION ZONE THROUGH BILATERAL AGREEMENTS.

NONE OF THESE OBJECTIVES WERE FULLY ACCOMPLISHED, BUT SUFFICIENT PROGRESS WAS MADE IN ALL OF THEM TO HOLD OUT SOME HOPE FOR ACHIEVEMENT BY THE END OF 1976. IT IS NOT POSSIBLE TO PREDICT WITH ANY DEGREE OF CONFIDENCE THE OUTCOME OF THE DECEMBER MEETING.

BOTH THE U.S. AND CANADA MUST EVALUATE THE RESULTS OF THE DECEMBER MEETING AND DECIDE WHETHER OR NOT TO WITHDRAW FROM ICNAF BY DECEMBER 31. OUR ASSESSMENT IS THAT CANADA WILL REMAIN IN ICNAF FOR 1977, BARRING OVERWHELMING DISAGREEMENT AT THE DECEMBER MEETING.

FOR THE U.S. THE DECISION WILL BE MORE DIFFICULT. TO MAXIMIZE OUR ALTERNATIVES AS WE APPROACH THE DECEMBER DECISION WE ARE PROCEEDING ON THREE TRACKS: (1) WORKING TOWARD SATISFACTORY DECISIONS WITHIN THE ICNAF STRUCTURE, (2) SUPPORTING THE WORKING GROUP ON FUTURE MULTILATERAL ARRANGEMENTS IN THE NORTHWEST ATLANTIC, AND (3) NEGOTIATING BILATERAL AGREEMENTS WITH THE NATIONS WHO FISH OFF OUR COASTS.

ACHIEVEMENT OF BILATERAL AGREEMENTS WITH ALL, OR PERHAPS CONFIDENTIAL

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EVEN MOST, OF THE NATIONS FISHING OFF OUR COAST BY THE
END OF THE YEAR WOULD SUBSTANTIALLY OBVIATE THE NEED
FOR ICNAF IN 1977. WHETHER OR NOT SUCH AGREEMENTS ARE
POSSIBLE IN THAT TIME FRAME REMAINS TO BE SEEN AND WILL
REQUIRE NOT ONLY THE COOPERATION OF THE FOREIGN NATIONS
BUT ALSO THE CONGRESS IN ITS OVERSIGHT ROLE UNDER THE
NEW LAW. KISSINGER

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